

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 15

May 21, 2007

SUBJECT: CHILD ABUSE CENTRAL INDEX CASE REVIEW PROCEDURES - ESTABLISHED

PURPOSE: This Order establishes Department procedures for conducting a review of known or suspected child abuse or severe neglect cases, which are not determined to be unfounded, and reported to the State of California, Department of Justice (DOJ), Child Abuse Central Index (CACI). Penal Code (PC) Section 11169(a) requires the child protection agency, upon completing the child abuse or severe neglect investigation, to complete and forward a Child Abuse Investigation Report, Form SS 8583, to DOJ. The case investigator shall also provide the suspect with a Notice of Report to the Child Abuse Central Index, Form 08.31.00, notifying the suspect that he or she has been reported to CACI.

This Order activates the Department's child abuse or severe neglect case review procedures and the position of the Case Review Coordinator (CRC), and the CACI Case Review, Form 08.31.01.

PROCEDURE:

I. CHILD ABUSE CENTRAL INDEX CASE REVIEW, FORM 08.31.01 - ACTIVATED. The CACI Case Review, Form 08.31.01 is activated.

- A. Use of Form.** The form is used by the concerned CRC to document the case review process and its findings of a child abuse or severe neglect when such case review has been requested by either the suspect or the representing attorney.
- B. Completion.** The CRC, or designee, who conducts the case review proceeding, shall complete the form to document the findings of the case review. The CRC, or designee, and the commanding officer of the concerned Area or specialized division shall review and sign the CACI Case Review Form.

C. Distribution.

1 - Original completed report shall be forwarded to Records and Identification Division.

1 - Copy maintained in the Detective Case Folder, Form 15.15.00.

2 - TOTAL

II. GENERAL INFORMATION - CHILD ABUSE CENTRAL INDEX CASE

REVIEW. All child abuse or severe neglect cases classified as "Substantiated" or "Inconclusive" are forwarded to DOJ by the case investigator for inclusion in the CACI database. Cases classified as "Unfounded" are not reported to DOJ. The CACI database shall be continually updated and shall not contain any child abuse or severe neglect reports classified as "Unfounded," in compliance with PC Section 11169(a).

In adherence with court case law, *Burt v. County of Orange* (2004) 120 Cal. App 4th 273, 285, a person named suspected child abuser is entitled to present a timely challenge to a previously filed report and must be given a reasonable opportunity to rebut the charge. A formal hearing, with full rights of confrontation and cross-examination is not necessarily required. Therefore, the Department shall conduct a child abuse or severe neglect case review hearing in all instances when either the suspect or the representing attorney requests, telephonically or through written correspondence, a review of the case. The Department shall provide the suspect a reasonable opportunity to be heard and present "evidence" for consideration to have the final classification of the case changed from "Substantiated" or "Inconclusive."

Note: Although an attorney representing a suspect in a child abuse or severe neglect case may be present at the case review proceeding, there is no current legal requirement that counsel be permitted to call or cross-examine witnesses.

III. CASE REVIEW - EMPLOYEE'S RESPONSIBILITY. Any Department employee who receives a request, verbally or telephonically, for a child abuse or severe neglect case review from either the suspect or the representing attorney shall:

- * Immediately refer the requesting person to the concerned CRC, who will schedule and subsequently conduct the case review; and,
- * If the CRC is unavailable, the Department employee shall refer the requesting person to the CRC's immediate supervisor, who will then assume the responsibility of notifying the CRC regarding the request for case review.

IV. CASE REVIEW - CASE REVIEW COORDINATOR'S RESPONSIBILITY.

A. The CRC in the concerned geographic Area or specialized division shall conduct the case review proceeding. The assigned CRC should be a Detective III supervisor who has expertise in child abuse or severe neglect investigations. The assignment of the CRC shall be as follows:

- * In the geographic Areas, the CRC shall be one Detective III supervisor, who is assigned to the CRC position by the concerned Area's Detective Division commanding officer;
- * In specialized divisions, the CRC shall be one Detective III supervisor, who is assigned to the CRC position by the concerned division commanding officer; or,
- * In the absence of the assigned CRC, the concerned commanding officer may assign a designee of supervisory rank (e.g., Detective II, Sergeant I, or higher) as the CRC to conduct the case review proceeding.

B. When either the suspect or the representing attorney requests a case review, the CRC shall:

- * Schedule a case review proceeding within a reasonable time period to allow the requesting party their right to due process. Case review proceedings should be conducted during normal business hours; and,

- * Notify the requesting party of the scheduled date and time of the case review proceeding. The telephonic notification should be supplemented by a notification via facsimile or e-mail to the requesting party, when possible.
- C. In preparation for conducting the child abuse or severe neglect case review, the assigned CRC shall:
- * Discuss the case with the case investigator, and thoroughly review the case prior to the case review;
 - * Determine if the case was filed and the criminal filing disposition of the case, and what specific charges were filed;
 - * Determine the court status of the case by querying the Prosecutors Information Management System (PIMS) and the Trial Court Information System (TCIS), and ascertain whether the case was adjudicated, pending, or has a final court disposition;
 - * Determine if the classification of the child abuse or severe neglect case was appropriate or should be changed from "Substantiated" or "Inconclusive" to "Unfounded";
 - * Inform the suspect and/or representing attorney that the Department is mandated by PC Section 11169(a), on all cases classified as "Substantiated" or "Inconclusive" to forward the suspect's name and identifying information to DOJ for entry to the CACI database; and,
 - * Complete the CACI Case Review Form and process appropriately. In the narrative portion of the form, the CRC shall summarize the findings of the review process and document any additional evidence supplied by the suspect and/or representing attorney, including information that is relevant to the investigation, classification and final disposition of the child abuse or severe neglect case.

- V. CASE REVIEW - AREA, DIVISION OR BUREAU COMMANDING OFFICER'S RESPONSIBILITY.** The commanding officer of the geographic Area or specialized division, where the case was investigated and the case review conducted, shall review and approve the completed CACI Case Review Form.
- VI. DOCUMENTATION OF THE CASE REVIEW PROCEEDINGS.** All case review proceedings should be conducted in-person, if possible. Upon completion of the case review, the CRC, or designee, shall complete, review and sign the CACI Case Review Form. The form shall then be submitted to the concerned commanding officer for review and approval.

Note: When the suspect requests a telephonic case review only, the CRC shall still complete the CACI Case Review Form, and indicate in the appropriate box on the form that the case review was conducted telephonically. The completed form shall then be processed in the same manner as an in-person case review.

As an option, the case review proceeding may be tape recorded. If so, the recording shall be retained in accordance with established Department procedures outlined in Manual Sections 3/569.20 and 3/569.40. The original tape recording should be forwarded immediately to Scientific Investigation Division, and a copy maintained in the Detective Case Folder, if necessary.

The CRC shall maintain all materials used in the case review proceedings in accordance with record retention guidelines. Copies of the case review records shall be stored at the Area or specialized division where the case review proceeding was conducted for a period of three years.

FORM AVAILABILITY: The Child Abuse Central Index Case Review will be available for ordering from General Services Division within 60 days and will be available on the Department's Local Area Network System. A copy of the form is attached for immediate use.

AMENDMENTS: This Order amends Department Manual Sections 4/218.51 and 5/08.31.01.

AUDIT RESPONSIBILITY: Each concerned Operations Bureau commanding officer shall monitor compliance with this Order in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

Attachment

DISTRIBUTION "A"